

Applicant : Kenji Yamane
Serial No. : 10/616,317
Page : 7

REMARKS

In the Office Action, the Examiner indicated that claims 2, 4, 6, 14, and 16 would be allowable if rewritten in independent form. Claim 2 has been rewritten in independent form and claims 4, 6, and 9, which depend thereon, are also in condition for allowance. Similarly, claim 14 has been rewritten in independent form, as has claim 16. It is submitted that claims 14 and 16 are also now in condition for allowance.

The Examiner rejected claims 1, 3, 5, 7, and 15 under 35 U.S.C. § 102(b) as anticipated by Yokota et al. (US 5,136,326). Yokota et al. discloses a metering window 10a through which incident light travels to a condenser lens 5 and then through a light shield mask 4 onto a photo sensor 6. Thus, the light shield mask, as interpreted by the Examiner and is referred to as a stop plate in Yokota, is positioned behind the condenser lens 5 in Yokota (*i.e.*, between the lens and the photo sensor). Applicant has amended claim 1 to specifically define that the light shield mask is positioned on a side of the condenser lens facing the photo metering window (*i.e.*, on the front of the condenser lens as opposed to the rear as taught by Yokota et al.). This makes a significant difference in the operation of the photo mask in view of the fact that the condenser lens does not affect the incident light rays before acted upon by the photo shield mask. Similarly, claim 15 has been amended to define that the light shield mask is applied to a side of the condenser lens facing said photo metering window, again a side opposite that taught in the Yokota et al. reference.

Initially, it should be noted that for a prior art reference to anticipate under 35 U.S.C. § 102 every element of the claimed invention must be identically shown in a single reference, see

Applicant : Kenji Yamane
Serial No. : 10/616,317
Page : 8

In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990) emphasis added. Those elements must be arranged as in the claim (emphasis added). *Brown v. 3M*, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001).

It is seen by the amendments to independent claims 2 and 15 that the Yokota et al. patent no longer teaches each and every element of these claims arranged in the same order and, therefore, the Section 102(b) rejection has been overcome by these amendments. Claims 3, 5, and 7 depend from amended claim 1 and likewise overcome the 35 U.S.C. § 102 rejection. Claim 8 was not specifically rejected and depends from amended claim 1 and is also in condition for allowance.

Claims 9-13 were rejected under 35 U.S.C. § 103. It is noted that claims 9 and 11 depend from allowable claim 2 and are in condition for allowance. Claims 10 and 13 define that the light shield mask is elastic and is coupled to the incident side of the condenser lens, applied on the incident side of the lens, or adhered to the incident side of the lens. As noted above, the Yokota et al. reference teaches the mounting of a light stop behind the incident side of the condenser lens and the optical results of this different arrangement is significantly different than that achieved by Applicant's invention. Further, the photometer device of Japanese publication 11-002853 discloses an elastic black rubber member 33 but one which is not associated with a condensing lens as specifically defined by claims 10 and 13. As a result of these significant differences in both of the references cited, it is submitted that claim 10, which depends from amended claim 1, likewise defines patentable subject matter and is in condition for allowance.

Applicant : Kenji Yamane
Serial No. : 10/616,317
Page : 9

Amended claim 12, like amended claim 1, defines the specific relationship of the elastic light shield and the condenser lens, which is not suggested by either of the references. Accordingly, it is submitted that claim 13 dependent thereon are also in condition for allowance.

A notice of allowance is, therefore, respectfully solicited.

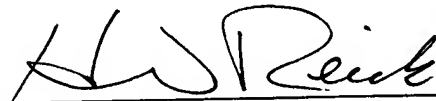
Respectfully submitted,

KENJI YAMANE

By: Price, Heneveld, Cooper,
DeWitt & Litton, LLP

March 2, 2004

Date



H. W. Reick

Registration No. 25 438

695 Kenmoor S.E.

P.O. Box 2567

Grand Rapids, MI 49501

Phone: (616) 949-9610

Facsimile: (616) 957-8196

HWR:dal